

REMARKS

1. Current Status:

This amendment is responsive to the Official Action dated July 22, 2005.

Claims 1 - 20 were pending in the application.

No claims were allowed.

No claim have been amended or canceled.

Claims 21-23 have been added.

Accordingly, claims 1-23 are currently pending.

2. Extension of Time:

A three-month extension of time is submitted herewith extending the time for response from October 22, 2005 to January 22, 2006.

3. Corrected Priority Claim:

The Examiner objected to the application as not complying with the conditions for receiving the benefit of an earlier filing date. Specifically, the Applicant improperly identified the copendency of the chain of related applications. Applicant has amended the specification by replacing Paragraph 1 with a corrected chain of priority.

Withdrawal of the objection is respectfully solicited.

4. Claim Rejections under 35 USC §102 and 35 USC §103:

Claims 1 and 3-20 were rejected under 35 USC §102(e) as being clearly anticipated by any one of Barber USP 5343386 or Evans 5694514 or O'Loughlin 5751885 or McClintock USP 5598208. No further specific bases of rejection were provided in the current official action, although they were indicated as having been repeated from a previous official action in the parent application.

Claim 2 was rejected under 35 USC §103(a) as being unpatentable over any one of Barber or Evans or O'Loughlin or McClintock in view of official notice that the use of a color printer would have been obvious at the time of the applicant's invention.

A brief review of the claimed elements is in order. The Applicant claims a method of producing a personalized souvenir at a venue of a live action event. The method includes at least the following two steps: obtaining a photographic image of the live action of the event, and obtaining a photographic image of spectators at the live event. The primary context of the present claims is attendance at a live action sporting event or concert wherein a spectator may desire a personalized souvenir. Attendance as a spectator at a particular event, proof of attendance and telepresence showing the attendance is important in this context. Fans often like to reminisce and tell stories of attending events and one will often hear in conversation statements such as "I was at that game", and such fans often want to show off pictures or ticket stubs to authenticate their story. Photographs are particularly relevant in this invention because they are more easily displayed than video and no other equipment is needed. Another important aspect to providing such souvenirs at large venue events is the ability to provide a personalized souvenir to every spectator when there are thousands of spectators. The invention provides this ability by dividing the photographic images among sectors of the audience and then later personally identifying either a section or a particular seat in that section. Finally, all of the independent claims require the printing of the photographs at the end of the process. Keeping these factors in mind, we will discuss and traverse each of the cited references.

The US Patent to Barber discloses an apparatus for inserting an image of a person into a prerecorded background image to provide a personalized post card. The background images are stock images previously photographed and stored in the device. With regard to independent claims 1,15 and 20, Barber does not disclose nor render obvious attendance at a "live action event" as a "spectator", nor does Barber disclose obtaining photographic images of the "live action" of the event as required. Withdrawal of the rejection over Barber is respectfully solicited.

The US Patent to Evans discloses an amusement park camera system that allows the visitors to identify themselves with RFID tags, allow RFID sensors in the park to track their

movement, and to initialize cameras to photograph or video the visitors during various activities. There are many notable differences in the Evans system as compared to the claimed invention. In the context of the invention, an amusement park is not a “live action event” where a spectator attends to watch others perform. Rather the visitor of an amusement park is as an active participant in the activity. Claims 1, 15 and 20 require a souvenir for a “spectator” at a “live action event” in which the spectator watches others. Riding on a rollercoaster at an amusement park is not a “live action event” as recited. The visitor is not a spectator. The system in Evans follows the visitors around the park and takes a plurality of images, which can then be combined with stock footage of the amusement park. Accordingly, Evans photographs or video tapes the visitor “as the live action participant” but never photographs the visitor as a “spectator” watching others. Assuming arguing that a visitor and a spectator might be considered the same, Evans identifies that the images can be combined with stock footage of the park. However, stock footage of the park is not the actual “live event” which occurred. Withdrawal of the rejection over Evans is respectfully solicited.

The US Patent to O’Loughlin discloses a centralized video system for an amusement park, which will automatically record a customer riding on an amusement ride. One critical aspect to O’Loughlin is that the customer must identify himself with an identification card when boarding the amusement ride. The customer obtains an ID card upon entry to the park, and then swipes the card in a card reader upon boarding the amusement. In this manner, the camera system can know exactly where the customer is sitting on the ride, and can record video for that specific customer. Accordingly, there is a small specific segment of people to which the O’Loughlin system is designed, i.e. customers specifically requesting that the video be taken.

There are several notable differences between O’Loughlin and the system claimed in claims 1, 15 and 20. The first is that O’Loughlin is a video only system. The claimed invention specifies photographic images, and requires printing of the photographs at the end of the process. Secondly, as stated with regard to Evans above, an amusement park is not a “live event” as defined by the Applicant. Customers or visitors to an amusement park are active participants in the rides and amusements, and therefore can be distinguished from “spectators” viewing a live event as claimed. Finally, the O’Loughlin system does not

systematically video each and every sector of the venue, but rather takes video only of selected visitors at the request of the customer. Withdrawal of the rejection over O'Loughlin is respectfully solicited.

The US Patent to McClintock discloses a video viewing and recording system, which provides customers an opportunity to attach their own personal video recorders to a camera system set up and maintained by the venue. The primary embodiment of McClintock is described in the context of an amusement park and video of riders on an amusement ride, although it is acknowledged that McClintock identifies sports events as a potential use. Nevertheless, there are several notable differences. McClintock discloses a video only system that allows users to selectively download video clips from recorded footage onto their own video equipment or onto a tape. The claimed invention requires photographic images, and requires printing of the images at the end of the process. While the McClintock system is ideally suited for amusement parks where there are a limited number of participants on a particular ride, it is not ideally suited for individualized video of spectators at a sports event. The McClintock system could be suitable for selectively downloading video clips of action at a sporting event, however there is no disclosure of how one might be able to obtain corresponding video of an individual spectator at the sports event. As indicated above, an amusement ride is a limited venue in which riders can be identified easily. However, individual spectators at a sporting event of 50,000 people cannot be individually identified with the McClintock system. There is no way for the users to specify that they want the camera system to video a particular section of the stadium to capture their attendance. In the amusement park scenario, the rider passes through a series of controlled access points, which can be video taped. Accordingly, while McClintock could video the live action event and allow the user to select video clips, there is no corresponding disclosure of how the McClintock system would obtain a photographic image or video of the spectator at such a large venue. Accordingly, McClintock lacks disclosure of several claimed features of the invention. Withdrawal of the rejection is respectfully solicited.

With respect to the remaining dependent claims, the Applicant also points out several other important features, such as scanning of "predetermined item indicative of the event" (i.e. ticket stub) and combining that item with the other obtained images. The scanning of

such an item is of significant value to fans in attendance at such an event, yet it is completely lacking in all of the cited references, and thus lends additional patentability to the claimed methods. Further, there are dependent claims that specify overlapping photographs of different venue sections in order to ensure capturing of images of spectators in the context of the large venue event. The cited references were clearly intended for small venue events where movement of the participants is limited to a controlled area in which the system can guarantee capturing of the video of selected individuals. Such system cannot be effectively used in large venues where the system would have to systematically photograph each and every section of the venue in order to ensure that it could provide a personalized souvenir for each "spectator" at the event.

5. New Claims:

New Claims 21-23 have been added to further define that the spectator can visit a video unit at the venue site and select the photographs to create their own souvenir.

6. Conclusion:

Accordingly, claims 1-23 are believed to define patentable subject matter over the cited references.

Claims 1-23 are thus believed to be in condition for allowance and the application ready for issue.

Corresponding action is respectfully solicited.

/

//

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,

/stephen j. holmes/

Stephen J. Holmes
Reg. No. 34,621

BARLOW, JOSEPHS & HOLMES, Ltd.
101 Dyer Street
5th Floor
Providence, RI 02903
401-273-4446 (tel)
401-273-4447 (fax)
sjh@barjos.com